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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,885

02/09/2004

Thomas M. Seidita

CCK-0102DIV

1424

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7590

08/07/2006

KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER

NGO, LIEN M

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/775,885	SEIDITA, THOMAS M.	
	Examiner	Art Unit	
	LIEN TM NGO	3754	

All participants (applicant, applicant's representative, PTO personnel):

(1) LIEN TM NGO. (3) _____.

(2) JOHN KNOBLE (Attorney). (4) _____.

Date of Interview: 28 June 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: new proposed claims 21-23.

Identification of prior art discussed: all prior art of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The new proposed claims 21-23 (faxed on 6/27) would be obvious rejected by some references in the record. Moreover, reconsideration and a new search would be required; therefore, the amendment after final would not be entered.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Do not enter /
for interview only.
mlm
6/28/06

From: John L. Knoble 215-599-0601 To: Lien Ngo

Date: 6/27/2006 Time: 12:09:42 PM

Page 1 of 5

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For Your Information

To: Lien Ngo	Fax Number: 5712734545
Company : USPTO	Date : 6/27/2006
From : John L. Knoble	Fax Number : 215-599-0601
Company : Knoble Yoshida & Dunleavy, LLC	Pages including cover page: 5
Subject : SN 775,885	

Comments:

PAGE 1/5 * RCVD AT 6/27/2006 12:07:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/19 * DNIS:2734545 * CSID:Knoble Yoshida Phila * DURATION (mm-ss):02-32

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June 27, 2006

Via Facsimile (571) 273-4545

Exr. Lien M. Ngo
Primary Examiner
Art Unit 3754
U.S. PATENT & TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application S.N. 10/775,885
Attorney Docket: HWR-0102DIV

Dear Examiner Ngo:

The client has asked me to discuss the following proposed claims with you prior to filing a response to the Final Office Action of March 9, 2006:

21. (New) A tamper evident closure, comprising:
a body portion comprising a base and an internally threaded downwardly depending sidewall portion; and
a tamper evident band frangibly connected to said sidewall portion, said tamper evident band comprising:
a main band portion, and
a J-hook retention member that includes a plurality of pleated retaining elements, and wherein each of said retaining elements has an upper portion that is constructed and arranged to engage retention structure of a container in order to prevent upward movement of said tamper evident band with respect to the container, and wherein at least one of the pleated retaining elements has at least one inwardly directed fold, at least one outwardly directed fold and a trailing edge that is constructed and arranged to engage the container so as to resist rotation with respect to the container, whereby separation of said tamper evident band from said body portion is better assured when the closure is unscrewed from the container.

The client believes that this claim patentably defines over U.S. Patent 6,112,923 to Ma ("Ma").

In Ma's second embodiment (see Figures 13 to 16) that was cited as the basis of the Section 102(e) rejection, rather than pleats, the retaining rim of the tamper evident band is provided by

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*Examiner Lien Ngo**June 27, 2006**Page 2 of 4*

rigid, incompressible wedge or ramp elements that form part of a ratchet mechanism (see column 5, line 7 to 10).

In the Office Action it was stated that column 5, lines 50-57 of Ma provide a teaching that "inwardly directed pleats could be provided in combination with ramp elements." The statement implies that pleated elements as disclosed by Ma or Kelly may include a leading edge and a trailing edge such as to form a ratchet surface. The client believes that this position is wrong, however. Ramp elements as well as pleated elements (disclosed by Ma or Kelly) are arranged on an annular retaining rim (see for example column 3, line 15 and column 5, line 17 of Ma). Furthermore, between the ramp elements and between the pleats as disclosed by Ma, there are arcuate portions (see for example column 3, line 17). The retaining rim is thus continuous in the circumferential direction.

Technically it would not be possible to arrange pleats having a trailing edge on a continuous annular retaining rim. For pleats including a trailing edge the rim needs to be interrupted. In particular, Ma discloses (column 3 lines 54-55) and explicitly teaches (column 3, line 55) radially outwardly rejecting pleats, extending away from the container neck and thereby not being appropriate for engagement with a corresponding structure on the container neck. Pleats known from the state-of-the-art are symmetrical. They have inclined surfaces toward both screwing directions. Neither Kelly nor Ma discloses or suggests in any way that such ramp surfaces could be modified to form a blunt radial side or a trailing edge that is engageable with a ratchet.

A "combination of pleats and ramp elements" can only be understood as an arrangement of pleats (to prevent outward flexing) and additional ramp elements (to prevent unscrewing) on the annular retaining ring. These necessarily would be separate elements.

The cited paragraph in Ma (column 5, lines 50-57) needs to be read as a whole. The annular retaining rim has two functions: one the one hand the rim provides a design for easy breaking of connections and on the other hand it provides a surface area to retain the band beneath the locking rim on the neck. The latter function can be improved by adding pleats to the retaining rim, in other words on a combination of pleats and ramp elements, both arranged on the retaining rim. Ma does not teach pleats having "blunt sides." Ma only teaches that pleats have the ability to prevent outward flexing of the retaining rim. Ma does not teach that pleats may provide for easy breaking of connections.

Pleats with a trailing edge as set forth in Applicant's claims imply that the retaining rim has an interruption and that the rim is not circumferentially continuous as disclosed in the prior art. To summarize, pleated retaining elements with a trailing edge as set forth in the proposed claim are new and nonobvious in comparison with the prior art.

22. (New) A tamper evident closure, comprising:
a body portion comprising a base and an internally threaded downwardly depending sidewall portion; and

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*Examiner Lien Ngo**June 27, 2006**Page 3 of 4*

a tamper evident band frangibly connected to said sidewall portion, said tamper evident band comprising:

a main band portion, and

a J-hook retention member that includes a plurality of pleated retaining elements, and wherein each of said retaining elements has an upper portion including at least one inwardly directed pleat fold, said upper portion being constructed and arranged to engage retention structure of a container in order to prevent upward movement of said tamper evident band with respect to the container, and wherein at least one of the pleated retaining elements is further constructed and arranged to engage the container so as to resist rotation with respect to the container, whereby separation of said tamper evident band from said body portion is better assured when the closure is unscrewed from the container.

This claim adds a more detailed description of the upper portion of the J-hook retention member and as such it is considered to patentably define over Ma.

23. (New) A tamper evident closure, comprising:

a body portion comprising a base and an internally threaded downwardly depending sidewall portion; and

a tamper evident band frangibly connected to said sidewall portion, said tamper evident band comprising:

a main band portion, and

a J-hook retention member that includes a plurality of pleated retaining elements, and wherein each of said retaining elements has an upper portion that is constructed and arranged to engage retention structure of a container in order to prevent upward movement of said tamper evident band with respect to the container, and wherein a part of the pleated retaining elements is further constructed and arranged to engage the container so as to resist rotation with respect to the container, whereby separation of said tamper evident band from said body portion is better assured when the closure is unscrewed from the container.

Ma discloses ramped elements wherein each element has the function of retaining and preventing rotation.

As shown in the figures of the present application only a part of the retaining elements is further constructed and arranged to engage the container so as to resist rotation.

There are several retaining elements which are only constructed and arranged to engage a retention structure in order to prevent upward movement.

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Examiner Lien Ngo

June 27, 2006

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I will call you at about 2 p.m. on Wednesday as you suggested.

Very truly yours,

/JLK/

John L. Knoble